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Attorney for Petitioner

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ADRIAN RISKIN,

Petitioner,

vs.

NORTH FIGUEROA ASSOCIATION and
LINCOLN HEIGHTS BENEFIT
ASSOCIATION OF LOS ANGELES,

Respondents.

Case No. **20STCP00166**

VERIFIED PETITION FOR WRIT OF
MANDATE DIRECTED TO THE NORTH
FIGUEROA ASSOCIATION & LINCOLN
HEIGHTS BENEFIT ASSOCIATION OF
LOS ANGELES ORDERING COMPLIANCE
WITH CALIFORNIA PUBLIC RECORDS
ACT AND FOR DECLARATORY AND
EQUITABLE RELIEF; EXHIBITS A-Q

[Gov't Code § 6250 *et seq.*]

Under Code of Civil Procedure §§ 1085 *et seq.* and the California Public Records Act, Government Code §§ 6250 *et seq.*, ("CPRA"), petitioner Adrian Riskin ("Petitioner") petitions this Court for a writ of mandate directed to respondents North Figueroa Association and Lincoln Heights Benefit Association of Los Angeles ("Respondents"), commanding Respondents to comply with the CPRA, and for declaratory and equitable relief. By this verified Petition, Petitioner alleges:

JURISDICTION

1. This Court has jurisdiction over this Petition pursuant to Cal. Gov't Code §§ 6258 and 6259 and Code of Civ. Proc. § 1060.

1 **THE PARTIES**

2 2. Petitioner Adrian Riskin is a concerned resident of Los Angeles, California. Petitioner
3 has a PhD in mathematics and is a math professor at a local college. He also publishes a website,
4 <http://michaelkohlhaas.org>, where he regularly disseminates information to the general public
5 about the workings of the City’s Business Improvement Districts (“BIDs”), including
6 information obtained through the California Public Records Act. As such, Petitioner is within the
7 class of persons beneficially interested in Respondents’ faithful performance of their legal duties
8 under the CPRA.

9 3. Respondents North Figueroa Association (“HPBID”) and Lincoln Heights Benefit
10 Association of Los Angeles (“LHBID”) are property owners’ associations created by the City of
11 Los Angeles, pursuant to the Property and Business Improvement District law of 1994,
12 California Streets and Highways Code Section 36600 *et seq.*, to manage the Highland Park
13 Business Improvement District and the Lincoln Heights Business and Community Benefit
14 District, respectively. Respondents are associations subject to the CPRA. *See* Streets and
15 Highways Code § 36612. Misty Iwatsu is Executive Director of both Respondents. Attorney
16 Mark Abramson represents both Respondents in CPRA matters.

17 **OVERVIEW**

18 4. In an effort to monitor the workings of Respondent and other BIDs, and disseminate
19 his findings on his website, Petitioner has utilized the CPRA. The materials on Petitioner’s
20 website are available for free to the public. He has been quoted in the *Los Angeles Times*, his
21 website linked to in various articles, and he has been contacted by documentary film makers,
22 public interest attorneys, and students from Boalt Hall’s Policy Advocacy Clinic who have
23 utilized information on his website for their projects.

24 5. Petitioner, through the three CPRA requests at issue in this petition, seeks to understand
25 the ways in which Respondents, whose districts are historically Latino neighborhoods
26 experiencing rapid demographic change, engage with the business community and City officials
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1 regarding gentrification, public art, community activism, and BID renewal. These issues have
2 received media attention from both local and regional sources.¹

3 6. Respondents, through their shared Executive Director, Ms. Iwatsu, initially responded
4 promptly to Petitioner's CPRA requests. For example, on March 26, 2018, Petitioner made a
5 request for emails matching various criteria. A true and correct copy of Petitioner's March 26,
6 2018 email is attached as **Exhibit A**. Just two days later, on March 28, 2018, Ms. Iwatsu
7 responded, stating she was gathering the emails; she also listed search criteria for which the
8 HPBID had no responsive records. A true and correct copy of Ms. Iwatsu's March 28, 2018
9 email is attached as **Exhibit B**. The HPBID was then able to produce over 1,000 emails which it
10 exported to MBOX and sent to Petitioner via DropBox with no significant delays or technical
11 difficulties.

12 7. However, Respondents stopped meeting their statutory obligations under the CPRA after
13 Petitioner published emails from the HPBID, obtained through the CPRA, exposing Respondent
14 HPBID's complicity in the process of driving legacy Latino businesses from Highland Park, the
15 erasure of Latino murals and other public art issues, and HPBID and the City's complicity in
16 surveilling art activists' online and social media activities.

17 8. HPBID's non-compliance began mid-May 2018 with the hiring of attorney Mark
18 Abramson to handle its CPRA requests. Once he was hired, Respondents' CPRA compliance
19 with their statutory obligations has plummeted. He has institutionalized a system of unreasonable
20 delay in the production of requested records. His dilatory tactics include ignoring Petitioner's

21 ¹ Ethan Varian, "Activists Are Fighting to Preserve Highland Park's Remaining Chicano
22 Murals," Los Angeles, Magazine, June 20, 2018 available at
23 <https://www.lamag.com/culturefiles/chicano-murals-highland-park/> [as of 1/13/19];

24 Jen Zaratan, "Highland Park's colorful murals are whitewashed, artists say," The
25 Occidental, November 5, 2018 available at
26 <https://www.theoccidentalnews.com/uncategorized/2018/11/05/highland-parks-colorful-murals-are-whitewashed-artists-say/2894953> [as of 1/13/19]

27 Martin Macias Jr., "LA Neighborhood Looks to Preserve Cultural – and Culinary –
28 Identity, Courthouse News Service, November 16, 2018 available at
<https://www.courthousenews.com/la-neighborhood-looks-to-preserve-cultural-and-culinary-identity/> [as of 1/13/19]

1 emails, sending corrupt files, insisting on Petitioner traveling to Manhattan Beach to inspect
2 records, and taking a minimum of 3–4 months to respond to simple requests (the type which had
3 previously only taken a few weeks to process).

4 9. Notwithstanding the public’s strong interest in these issues, and despite the need for
5 openness from private, non-profit corporations providing public functions and municipal
6 services, Respondents have disregarded their legal obligations and restricted public access to
7 information. Petitioner seeks immediate production of withheld records.

8 **BACKGROUND OF CPRA REQUESTS**

9 ***Highland Park BID***

10 **4/8/2018 Request to HPBID**

11 10. On April 8, 2018, Petitioner sent a CPRA request to Respondent HPBID’s Executive
12 Director, Ms. Iwatsu, seeking:

13 “All emails between you and anyone at lacity.org or lapd.online (where “between”
14 means to/from/cc/bcc) from January 2, 2014 through December 31, 2016...in their
15 native formats.” Petitioner also requested HPBID produce the files in MBOX format
16 as it had previously. A true and correct copy of Petitioner’s April 8, 2018 email to
17 HPBID is attached as **Exhibit C**.

18 11. By April 18, 2018, Ms. Iwatsu had produced 673 emails from 2014, 135 from 2015 and
19 one from 2016. On April 19, 2018, Ms. Iwatsu emailed Petitioner that she still had to go through
20 additional 2016 emails. She also said HPBID Board Members would forward emails to Petitioner
21 one at a time because they did not know what else to do. A true and correct copy of Ms. Iwatsu’s
22 April 19, 2018 email is attached as **Exhibit D**.

23 12. On May 11, 2018, attorney Abramson notified Petitioner that he was representing the
24 HPBID in its CPRA matters. A true and correct copy of Mr. Abramson’s May 11, 2018 email is
25 attached as **Exhibit E**.

26 13. On May 11, 2018, Petitioner asked attorney Abramson for estimated dates of completion
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1 regarding this and other pending requests. A true and correct copy of Petitioner's May 19, 2018
2 email is attached as **Exhibit F**.

3 14. On May 15, 2018, Petitioner attended a meeting of the HPBID. After the meeting, board
4 president Tom Wilson shook Petitioner's hand and said that they were working on getting the
5 rest of the emails to him.

6 15. Mr. Abramson did not respond for over eight months.

7 16. On January 21, 2019, Petitioner again asked Mr. Abramson for a status update. A true
8 and correct copy of Petitioner's January 21, 2019 email is attached as **Exhibit G**.

9 17. On February 1, 2019, Mr. Abramson sent Petitioner 25 emails. The production consisted
10 of 6 emails from 2015 and 19 emails from 2016. Only 3 of the 19 emails from 2016 were
11 actually from an individual; the other 16 were automated City of Los Angeles agenda spam.

12 18. Petitioner responded to Mr. Abramson on February 1, 2019, asking if this production
13 completed HPBID's response and he confirmed that it did. True and correct copies of Petitioner
14 and Mr. Abramson's February 1, 2019 emails are attached as **Exhibit H**.

15 19. On May 22, 2019, Petitioner sent Mr. Abramson an email explaining why the production
16 was inadequate. Mr. Abramson never responded. A true and correct copy of Petitioner's May 22,
17 2019 email is attached as **Exhibit I**.

18 20. HPBID never produced the board member emails and it is highly unlikely the HPBID
19 retained 673 emails from 2014 but only 20 from 2016, the majority of which are spam.

20 ***Lincoln Heights BID***

21 **5/19/2018 Request to LHBID**

22 21. On May 19, 2018, Petitioner sent a CPRA request to Respondent LHBID's Executive
23 Director, Ms. Iwatsu, seeking:

- 24 1. All emails between ... staff or members of the board... and anyone at the domains
25 lacity.org, lapd.lacity.org, or lapd.online [from 2017 and 2018].
- 26 2. All emails between anyone on the Board and anyone on the staff of the BID [from
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1 2017 and 2018]. Petitioner also requested LHBID produce the files in their native
2 format in either EML, MBOX, or MSG. A true and correct copy of Petitioner's May
3 19, 2018 email to LHBID is attached as **Exhibit J**.

4 22. On May 29, 2018, Mr. Abramson replied, stating that the LHBID had responsive records
5 and that they would be ready in approximately 90 to 120 days. A true and correct copy of Mr.
6 Abramson's May 29, 2018 email is attached as **Exhibit K**.

7 23. Over one year later, on August 27, 2019, Mr. Abramson sent Petitioner a 400 MB file,
8 appearing to contain close to 2,000 emails. A true and correct copy of Mr. Abramson's August
9 27, 2019 email is attached as **Exhibit L**. However, there is something wrong with the file so that
10 when Petitioner attempts to open it, he can only see 38 emails. Petitioner informed Mr.
11 Abramson that the vast majority of the emails and their attachments are not accessible through
12 the file he provided but he denied that there was anything wrong with the file he sent and has
13 refused to remedy the issue. A true and correct copy of Petitioner and Mr. Abramson's August
14 27-28, 2019 email exchange is attached as **Exhibit M**.

15 **5/21/2018 Request to LHBID**

16 24. On May 21, 2018, Petitioner sent a CPRA request to LHBID's attorney Mr. Abramson
17 requesting records from 2018 regarding the LHBID's BID renewal, including:

- 18 1. All emails between... staff or members of the Board... and anyone at the BID
19 renewal consultant handling the BID's current renewal process.
- 20 2. All proposals, bids, inquiries, and similar records received by the BID from
21 prospective BID consultants seeking to be hired for the BID's 2018 renewal process.
- 22 3. All contracts, MOUs, and so on, between the BID and any consultants and/or
23 engineers relating to the BID's current renewal process." Petitioner also requested
24 LHBID produce the files in their native format. For emails this means in either EML,
25 MBOX, or MSG. A true and correct copy of Petitioner's May 21, 2018 email to
26 LHBID is attached as **Exhibit N**.

27 25. Mr. Abramson responded on May 31, 2018, stating it would take approximately ninety
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(90) to one hundred and twenty (120) days to provide responsive records. A true and correct copy of Mr. Abramson's May 31, 2018 letter is attached as **Exhibit O**.

26. The LHBID did not produce the requested records within the estimated 3-to-4 month timeframe.

27. On October 5, 2018, Petitioner inquired into the status of his CPRA request. A true and correct copy of Petitioner's October 5, 2018 email is attached as **Exhibit P**.

28. Mr. Abramson responded on October 9, 2018 but did not produce any records or provide an estimated production date. A true and correct copy of Mr. Abramson's October 9, 2018 email is attached as **Exhibit Q**.

29. Petitioner responded that same day explaining why the delay was unreasonable.

30. The LHBID never responded further and has provided no records in response to this CPRA request.

31. The LHBID underwent its renewal process in May 2018, pursuant to the Property and Business Improvement District Law of 1994, which involved advocating for the passage of two key ordinances. Petitioner was seeking to understand the means employed by Respondent and its consultant to influence the City with respect to this municipal legislation.

32. The Municipal Lobbying Ordinance, LAMC § 48.01 *et seq.*, explicitly states the weighty public interest in understanding such matters: "The citizens of the City of Los Angeles have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests." LAMC § 48.01(B)(2). "Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of local government." LAMC § 48.01(B)(4). LHBID's failure to timely comply with the CPRA has led to a valuable opportunity lost for transparency and democratic oversight, as the LHBID will not renew again for at least another five years.

THE CALIFORNIA PUBLIC RECORDS ACT

33. Under the CPRA, all records that are prepared, owned, used, or retained by any public

1 agency, and that are not subject to the CPRA's statutory exemptions to disclosure, must be made
2 publicly available for inspection and copying upon request. Gov't Code § 6253. BIDs are entities
3 subject to the CPRA. California Streets and Highways Code § 36612.

4 34. Any person may institute proceedings for injunctive or declarative relief or writ of
5 mandate in any court of competent jurisdiction to enforce his or her right to inspect or receive a
6 copy of any public record." Gov't Code § 6258.

7 35. Whenever it is made to appear by verified petition to the superior court of the county
8 where the records or some part thereof are situated that certain public records are being
9 improperly withheld from a member of the public, the court shall order the officer or person
10 charged with withholding the records to disclose the public record or show cause why he or she
11 should not do so. The court shall decide the case after examining the record in camera (if
12 permitted by the Evidence Code), papers filed by the parties, and any oral argument and
13 additional evidence as the court may allow. *Id.* § 6259(a).

14 36. If the Court finds that the failure to disclose is not justified, it shall order the public
15 official to make the record public. *Id.* § 6259(b).

16 37. To ensure that access to the public's information is not delayed or obstructed, the CPRA
17 requires that "[t]he times for responsive pleadings and for hearings in these proceedings shall be
18 set by the judge of the court with the object of securing a decision as to these matters at the
19 earliest possible time." *Id.* § 6258.

20 38. There is no lawful or proper reason for Respondents' dilatory tactics and refusal to
21 provide the records, materials and information Petitioner has requested. Respondents' delay and
22 wrongful refusal to provide the requested records, violates the CPRA. This Court has jurisdiction
23 to order the requested records disclosed at the earliest possible time. Furthermore, Petitioner is
24 entitled to a mandatory award of attorneys' fees and costs incurred in bringing this Petition. *Id.* §
25 6259.

1 **FIRST CAUSE OF ACTION**

2 **Public Records Act, Gov't Code § 6250 *et seq.***

3 39. Petitioner alleges on information and belief that Respondents will continue to refuse to
4 permit members of the public, including himself, to inspect or obtain copies of the requested
5 public records in violation of the CPRA.

6 40. Petitioner alleges on information and belief that the information he seeks from
7 Respondents is maintained in Los Angeles County. The requested records are public records not
8 exempted from disclosure.

9 41. Based on information set forth in this Petition, Petitioner believes, and therefore alleges,
10 that Respondents' failure to produce and/or allow the inspection of records responsive to his
11 requests resulted from an intentional failure to expend good-faith "reasonable effort," to comply
12 with its statutory obligations in violation of the CPRA § 6254(b), which provides in pertinent
13 part that, [e]xcept with respect to public records exempt from disclosure by express provisions of
14 law, each state or local agency, upon a request for a copy of records that reasonably describes an
15 identifiable record or records, shall make the records *promptly* available to any person[.]"
16 (Emphasis added).

17 **SECOND CAUSE OF ACTION**

18 **California Constitution, Art. I § 3 subd. (b)(2)**

19 42. The California Constitution recognizes that the "people have the right of access to
20 information concerning the conduct of the people's business, and therefore, the meetings of
21 public bodies and the writings of public officials and agencies shall be open to public scrutiny."
22 Cal. Const., Art. I § 3(b)(1). This right is self-executing as the provisions of the California
23 Constitution are mandatory and prohibitory. Cal. Const., Art. I § 26.

24 43. The California Constitution, therefore, directs the courts to broadly construe statutes that
25 grant public access to government information and to narrowly construe statutes that limit such
26 access. Cal. Const., Art. I § 3(b)(2).

27 44. A clear controversy exists between the parties regarding Petitioner's right of access to
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1 Respondents' public records. Petitioner has and will continue to seek public records from
2 Respondents as is his right under the CPRA and the California Constitution. Respondents have
3 engaged in a pattern and practice of frustrating Petitioner's right of prompt access to public
4 records.

5 45. Without action by this Court, Respondents will continue to frustrate Petitioner's
6 constitutional and statutory rights and he will suffer irreparable injury. Petitioner seeks injunctive
7 and declaratory relief to protect the future exercise of his right of access to public records.

8 **REQUEST FOR RELIEF**

9 46. Government Code Sections 6259(a) and 6259(b) authorize the Court to compel
10 Respondents to release the requested documents.

11 THEREFORE, Petitioner respectfully requests that:

- 12 1. This Court issue a peremptory writ of mandate directing Respondents to
13 immediately conduct a diligent and comprehensive search for the requested
14 records, and to thereafter *promptly* provide Petitioner the requested records or, in
15 the alternative, an order to show cause why these public records should not be
16 ordered disclosed;
- 17 2. The Court set "times for responsive pleadings and for hearings in these
18 proceedings... with the object of securing a decision as to these matters at the
19 earliest possible time," as provided in Government Code Section 6258;
- 20 3. The Court enter an order declaring that Respondents have violated the CPRA by
21 their refusal to release the public records sought by Petitioner's requests, and by
22 their failure to promptly respond to, and assist with, Petitioner's requests;
- 23 4. The Court enter an order declaring that for all future CPRA requests from
24 Petitioner to Respondents, Respondents shall produce all responsive documents,
25 subject to properly claimed exemptions, within 30 days, absent a showing of
26 extraordinary hardship;

- 1 5. The Court enter an order awarding Petitioner his reasonable attorney's fees and
2 costs incurred in bringing this action, as provided in Government Code Section
3 6258, Code of Civil Procedure Section 1021.5; and California's private attorney
4 general doctrine; and,
5 6. The Court award such further relief as is just and proper.

6 DATED: January 13, 2020
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8 Respectfully Submitted,
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10 LAW OFFICE OF MATTHEW STRUGAR
11 Attorney for Petitioner

12 /s/ Matthew Strugar
13 MATTHEW STRUGAR
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VERIFICATION

I, Adrian Riskin, declare:

1. I am a resident of Los Angeles, California.

2. I have read the Verified Petition for Writ of Mandate Directed to the North Figueroa Association and Lincoln Heights Benefit Association of Los Angeles Ordering Compliance with California Public Records Act and for Declaratory and Injunctive Relief; Exhibits A to Q. The facts stated in the Petition are either true and correct of my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct.

This verification was executed on January 13 2020, in Staunton, Virginia. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Adrian Riskin

ADRIAN RISKIN

Subject: CPRA request (HPBID.2018.03.26.a)
From: adrian@internet-mail.org
Date: 03/26/2018 10:30 AM
To: mistyli@aol.com

Good morning, Ms. Iwatsu.

I'd like to take a look at all emails between anyone on the HPBID BID staff or Board and anyone at the listed domains from January 1, 2017 through date of compliance.

1. hollywoodbid.org
2. southpark.la
3. downtownla.com
4. mediadistrict.org
5. labids.org
6. historiccore.bid
7. urbanplaceconsulting.com
8. lacity.org
9. lapd.online
10. fashiondistrict.org
11. ccala.org
12. venicebeachbid.com
13. devine-strategies.com

I also need to see all emails and their attachments in the same format between anyone on the BID staff and anyone on the BID Board of Directors for the same time range.

I need to see these emails and their attachments in their native formats as required by CPRA at section 6253.9(a). For emails this means EML, MBOX, or MSG. If you provide emails in one of these formats the attachments will automatically be included in native format as well.

Finally, I would like to see agendas and minutes of the Board and all committees for as far back as you hold them in electronic form. I need to see these in native format as well. I see that you have some of these on your website, but the Wordpress plugin that you're using to embed them doesn't seem to want to let me download them, hence I'm asking you for copies.

Thanks so much for your help,

Adrian

Subject: Re: CPRA request (HPBID.2018.03.26.a)
From: Misty Iwatsu <mistyli@aol.com>
Date: 03/28/2018 10:50 AM
To: adrian@internet-mail.org

Mr. Adrian-

We have received your email for Public Records Request and will work to gather the emails you requested.

During the initial search we have not had any correspondence with several of the organizations that you requested. We have made notations below:

1. hollywoodbid.org- No response to record
2. southpark.la- No response to record
3. downtownla.com
4. mediadistrict.org- No response to record
5. labids.org-No response to record
6. historiccore.bid
7. urbanplaceconsulting.com- No response to record
8. lacity.org
9. lapd.online
10. fashiondistrict.org
11. ccala.org- No response to record
12. venicebeachbid.com- No response to record
13. devine-strategies.com- No response to record

For emails this means EML, MBOX, or MSG- I am not sure what you mean by this, so could you please clarify what you mean.

Thank you,
Misty Iwatsu

Subject: CPRA request (HPBID.2018.04.08.a)
From: adrian@internet-mail.org
Date: 04/08/2018 03:30 PM
To: Misty lwatsu <mistyli@aol.com>
CC: gustavo@oldla.org, secretary@oldla.org, president@oldla.org

Good afternoon, Misty.

I would like to see copies of all emails between you and anyone at lacity.org or lapd.online (where "between" means to/from/cc/bcc) from January 2, 2014 through December 31, 2016. I need both emails and attachments in their native formats as required by CPRA at section 6253.9(a). If you can send these in the mbox format you've used previously all requirements will be satisfied.

Thanks so much for your help,

Adrian

p.s. I noticed that you forwarded all my previous CPRA requests to Gustavo, Tom, and Amy, so I thought I'd save you the trouble and CC them here. Hi friends!

Subject: Re: CPRA request (HPBID.2018.04.19.b)
From: Misty Iwatsu <mistyli@aol.com>
Date: 04/19/2018 04:25 PM
To: adrian@internet-mail.org
CC: president@oldla.org, misty@oldla.org, secretary@oldla.org, gustavo@oldla.org, vice-president@oldla.org, john@oldla.org, alex@oldla.org, richard@oldla.org, dalton@oldla.org, gina@oldla.org, irene@oldla.org

I have sent you most of my emails regarding the City of LA, whether to them, cc, bcc or from. There is still 2016 I have to go through. Any complaints to/from them would be in those.

I will ask the board members if they filed any but it should all ready in the emails that will be sent to you. Some will be forwarding to you one by one as they can't export from their mobile devices or don't know how.

I have cc'ed them here so they can start to look.

Misty Iwatsu

Confidentiality Notice: The information contained in this email is confidential information intended for the use of the individual(s) named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender. Thank you.

-----Original Message-----

From: adrian <adrian@internet-mail.org>
To: Misty Iwatsu <mistyli@aol.com>
Cc: gustavo <gustavo@oldla.org>; secretary <secretary@oldla.org>; president <president@oldla.org>
Sent: Thu, Apr 19, 2018 3:46 pm
Subject: CPRA request (HPBID.2018.04.19.b)

Good afternoon, Misty.

I would like to see copies of any complaints filed with the City of Los Angeles by anyone at the BID on any subject whatsoever from January 1, 2014 through whenever you conduct a search. If these are held by the BID in electronic form I need to see copies in that form.

thanks for your help,

Adrian

Subject: North Figueroa Association
From: Mark Abramson <mark@markalaw.com>
Date: 05/11/2018 04:59 PM
To: "adrian@internet-mail.org" <adrian@internet-mail.org>
CC: "misty@oldla.org" <misty@oldla.org>

Dear Mr. Riskin:

This firm represents the North Figueroa Association. I understand you have submitted several requests for records from the Association. Please be advised that your requests are being processed, and although I don't have a specific estimated date at this time, please rest assured that a response will be forthcoming.

Please direct any future correspondence concerning the Association to me.

Thank you.

Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(C) (310) 245-8174
(F) (310) 321-7810
mark@markalaw.com

Subject: Re: North Figueroa Association
From: adrian@internet-mail.org
Date: 05/11/2018 05:17 PM
To: Mark Abramson <mark@markalaw.com>
CC: misty@oldla.org

Dear Mr. Abramson,

Primo! I hope your first task will be to clarify which of my four requests the material Ms. Iwatsu has already provided was meant to be responsive to. Also I hope you can provide a statutorily adequate response to my first request of April 19, 2018, to which no one has yet responded although a response was due approximately ten days ago.

Thanks,

Adrian

On Fri, May 11, 2018, at 4:59 PM, Mark Abramson wrote:

Dear Mr. Riskin:

This firm represents the North Figueroa Association. I understand you have submitted several requests for records from the Association. Please be advised that your requests are being processed, and although I don't have a specific estimated date at this time, please rest assured that a response will be forthcoming.

Please direct any future correspondence concerning the Association to me.

Thank you.

Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(C) (310) 245-8174
(F) (310) 321-7810
mark@markalaw.com<<mailto:mark@markalaw.com>>

Subject: outstanding HPBID CPRA requests
From: adrian@123mail.org
Date: 1/21/19, 3:54 PM
To: Mark Abramson <mark@markalaw.com>

Good afternoon, Mr. Abramson.

I am writing once again to inquire about the status of three outstanding CPRA requests which you have stated that you are handling for the BID. Copies of the three requests are attached here for your reference.

Note that you have not provided any records in response to the requests of April 19, 2018 and May 21, 2018. Your client has provided an incomplete set of records in response to the request of April 8, 2018. Still missing from that set are emails from March 7, 2015 through December 31, 2016.

Thank you for your prompt response to this urgent matter.

Adrian

— Attachments: —

20180408-1530-adrian_internet-mail_org-CPRA_request__HPBID_2018_04_08_a_.pdf	27 bytes
20180419-0919-adrian_internet-mail_org-CPRA_request__HPBID_2018_04_19_a_.pdf	27 bytes
20180521-0950-adrian_mailworks_org-CPRA_request__HPBID_2018_05_21_a_.pdf	27 bytes

Subject: HPBID.2018.04.08.a
From: Mark Abramson <mark@markalaw.com>
Date: 2/1/19, 9:57 AM
To: "adrian@123mail.org" <adrian@123mail.org>

On behalf of the North Figueroa Association, please see the attached additional records responsive to your records request no. HPBID.2018.04.08.a.

Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(F) (310) 321-7810
mark@markalaw.com

— Attachments: —

HPBID.2018.04.08.a

3.5 MB

Subject: Re: HPBID.2018.04.08.a
From: adrian@123mail.org
Date: 2/1/19, 10:09 AM
To: Mark Abramson <mark@markalaw.com>

And is that the case here as well?

On Fri, Feb 1, 2019, at 9:57 AM, Mark Abramson wrote:

On behalf of the North Figueroa Association, please see the attached additional records responsive to your records request no. HPBID. 2018.04.08.a.

Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(F) (310) 321-7810
mark@markalaw.com<mailto:mark@markalaw.com>

Email had 1 attachment:
+ HPBID.2018.04.08.a
5.0M (application/octet-stream)

Subject: Re: HPBID.2018.04.08.a
From: Mark Abramson <mark@markalaw.com>
Date: 2/1/19, 10:15 AM
To: "adrian@123mail.org" <adrian@123mail.org>

Correct

Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(F) (310) 321-7810
mark@markalaw.com

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And is that the case here as well?

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> 2018.04.08.a.
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> Mark E. Abramson
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> (O) (310) 321-7657
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> mark@markalaw.com<<mailto:mark@markalaw.com>>
>
> Email had 1 attachment:
> + HPBID.2018.04.08.a
> 5.0M (application/octet-stream)

Subject: Re: HPBID.2018.04.08.a
From: adrian@123mail.org
Date: 5/22/19, 8:53 AM
To: "Mark Abramson" <mark@markalaw.com>

Dear Mr. Abramson,

I am writing to follow up on the North Figueroa Association's deficient response to my CPRA request of April 8, 2018. A copy of this request is attached for your reference.

As I'm sure you're aware, by April 18, 2018 your client provided me with 673 emails in response to this request and told me that they still had to sort through responsive 2016 emails. On February 1, 2019 you sent me 25 additional responsive records and informed me that the production was complete.

However, it is clearly not complete. There are at least hundreds of emails, some of which I've obtained from other sources, responsive to this request. Please instruct your client to complete the production of responsive records immediately.

If I don't have a response from you or your client by Friday, June 7, 2019, I will proceed as if your client has refused to provide me access to these records.

Thank you,

Adrian Riskin

On Fri, Feb 1, 2019, at 10:15 AM, Mark Abramson wrote:

Correct

Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(F) (310) 321-7810
mark@markalaw.com

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> mark@markalaw.com<mailto:mark@markalaw.com>
>
> Email had 1 attachment:
> + HPBID.2018.04.08.a
> 5.0M (application/octet-stream)

>

— Attachments: —

C_20180408-1530-adrian_internet-mail_org-
CPRA_request__HPBID_2018_04_08_a_.pdf

27 bytes

Subject: CPRA request (LHBCB.2018.05.19.a)

From: adrian@mailworks.org

Date: 05/19/2018 09:12 AM

To: Misty Iwatsu <mistyli@aol.com>

Good morning, Ms. Iwatsu.

I would like to see copies of the following material from 2017 and 2018:

1. All emails between anyone, which means staff or members of the Board, at the Lincoln Heights BCBDBID and anyone at the domains lacity.org, lapd.lacity.org, or lapd.online.

2. All emails between anyone on the Board and anyone on the staff of the BID.

I need to see these emails and their attachments in their native formats as required by CPRA at section 6253.9(a). For emails this means EML, MBOX, or MSG. If you provide emails in one of these formats the attachments will automatically be included in native format as well.

Please note that although two emails held in different accounts may share the same body content they are in fact distinct records and must both be provided in response to this request. For this reason it is both necessary and sufficient to search all email accounts with which BID business is conducted for responsive records.

Thanks for your help,

Adrian

Subject: Lincoln Heights
From: Mark Abramson <mark@markalaw.com>
Date: 05/29/2018 05:36 PM
To: "adrian@mailworks.org" <adrian@mailworks.org>

Mr. Riskin: Please see the attached.

Mark E. Abramson
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Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(F) (310) 321-7810
mark@markalaw.com

— Attachments: —

Scanned from a Xerox Multifunction Printer.pdf	30.3 KB
Scanned from a Xerox Multifunction Printer[1].pdf	28.3 KB

MARK E. ABRAMSON
A Professional Law Corporation
1600 Rosecrans Ave., Media Center, 4th Floor
Manhattan Beach, California. 90266
(O) (310) 321-7657
(F) (310) 321-7810
mark@markalaw.com

May 29, 2018

Via E-Mail

Mr. Adrian Riskin
adrian@mailworks.org

Re: Lincoln Heights Benefit Association of Los Angeles

Dear Mr. Riskin:

This office represents the Lincoln Heights Benefit Association of Los Angeles (the "Association"). This letter is in response to your email of May 19, 2018 (the "CPRA Request") seeking the following records under the California Public Records Act (the "Act"):

1. All emails between anyone, which means staff or members of the Board, at the Lincoln Heights BCBDBID and anyone at the domains lacity.org, lapd.lacity.org, or lapd.online.
2. All emails between anyone on the Board and anyone on the staff of the BID.

Please accept this letter as the District's response to your request.

The Act (California Government Code Section 6250 *et seq.*, permits the inspection and copying of certain public records. Section 6253 of the Act provides as follows:

"Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore . . . When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available."

EXHIBIT K

Mr. Adrian Riskin

May 29, 2018

Page 2

Consistent with its obligations under the Act, the Association advises that it has documents responsive to your request, and is currently in the process of searching for and locating responsive documents. The Association must search and review multiple sources, which will take some time. In addition, the Association's legal counsel will review the documents prior to their release to determine if the requested documents are exempt from disclosure. The Association will produce any and all non-privileged documents as soon as it is reasonably available to do so, which we believe will be in 90 to 120 days.

Very truly yours,



Mark E. Abramson

cc: Misty Iwatsu

Subject: CPRA -082219

From: Mark Abramson <mark@markalaw.com>

Date: 8/27/19, 9:21 AM

To: "adrian@123mail.org" <adrian@123mail.org>

By email to Misty Iwatsu on May 19, 2018 at 9:12 am (your request no. LHBCB.2018.05.19.a), you made the following request:

"I would like to see copies of the following material from 2017 and 2018:

1. All emails between anyone, which means staff or members of the Board, at the Lincoln Heights BCBDBID and anyone at the domains lacity.org, lapd.lacity.org, or lapd.online.

2. All emails between anyone on the Board and anyone on the staff of the BID."

In reference to the foregoing, the BID is providing the link below. We are reviewing some additional records and will let you know if there is anything further to produce pursuant to the foregoing request.

Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(F) (310) 321-7810
mark@markalaw.com



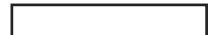
[CPRA -082219](#)

[Open](#)

Google Drive: Have all your files within reach from any device.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

Image
removed by
sender. Logo
for Google
Drive



Subject: Re: CPRA -082219
From: adrian@123mail.org
Date: 8/27/19, 7:09 PM
To: "Mark Abramson" <mark@markalaw.com>

Thank you, Mr. Abramson.

This file is corrupt and impossible to import. It's 407 MB and appears to contain thousands of emails, however only 38 of them are readable. I'm not sure why this is, but can you please find a way to transmit this data in a readable form. Your client clearly understands how to do this as she has done it many times before you got involved in the process. Also, you neglected to state if you were claiming any exemptions.

Thanks,

Adrian

On Tue, Aug 27, 2019, at 9:21 AM, Mark Abramson wrote:

By email to Misty Iwatsu on May 19, 2018 at 9:12 am (your request no. LHBCB.2018.05.19.a), you made the following request:

"I would like to see copies of the following material from 2017 and 2018:

1. All emails between anyone, which means staff or members of the Board, at the Lincoln Heights BCBDBID and anyone at the domains lacity.org, lapd.lacity.org, or lapd.online.
2. All emails between anyone on the Board and anyone on the staff of the BID."

In reference to the foregoing, the BID is providing the link below. We are reviewing some additional records and will let you know if there is anything further to produce pursuant to the foregoing request.

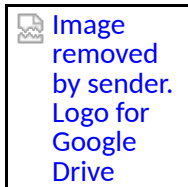
Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(F) (310) 321-7810
mark@markalaw.com



[CPRA -082219](#)
[Open](#)

Google Drive: Have all your files within reach from any device.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA



Subject: Re: CPRA -082219
From: Mark Abramson <mark@markalaw.com>
Date: 8/28/19, 9:07 AM
To: "adrian@123mail.org" <adrian@123mail.org>

The file is not corrupt. If it was, you could not read the 38. The large file size is due to the email attachments.

I will identify any exemptions when the review is complete within the next week.

Mark E. Abramson
A Professional Law Corporation
1600 Rosecrans Ave.,
Media Center, 4th Floor
Manhattan Beach, California 90266
(O) (310) 321-7657
(C) (310) 245-8174
(F) (310) 321-7810
mark@markalaw.com

From: "adrian@123mail.org" <adrian@123mail.org>
Date: Tuesday, August 27, 2019 at 7:10 PM
To: Mark Abramson <mark@markalaw.com>
Subject: Re: CPRA -082219

Thank you, Mr. Abramson.

This file is corrupt and impossible to import. It's 407 MB and appears to contain thousands of emails, however only 38 of them are readable. I'm not sure why this is, but can you please find a way to transmit this data in a readable form. Your client clearly understands how to do this as she has done it many times before you got involved in the process. Also, you neglected to state if you were claiming any exemptions.

Thanks,

Adrian

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In reference to the foregoing, the BID is providing the link below. We are reviewing some additional records and will let you know if there is anything further to produce pursuant to the foregoing request.

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mark@markalaw.com

Error! Filename not specified.

[CPRA -082219](#)

[Open](#)

Google Drive: Have all your files within reach from any device.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

[Error!](#)
[Filename](#)
[not](#)
[specified.](#)

Subject: Re: CPRA -082219
From: adrian@123mail.org
Date: 8/28/19, 9:13 AM
To: "Mark Abramson" <mark@markalaw.com>

There are more than 38 emails in there and the size of the attachments to the 38 readable ones is less than 30 MB. It is nowhere near the more than 400 MB in the MBOX itself. The others are just unreadable by a client because the file AS AN MBOX is corrupt. Or will you state explicitly that you only produced 38 emails? Because that raises an entirely different set of issues.

The file is corrupt, and you're wrong that corruption would prevent reading the 38. MBOXes are structured text files, so if one small piece of text is non-compliant it will prevent the client from formatting all subsequent emails in the spool. Your obligations under the law are not satisfied by providing an unusable copy. Furthermore, it's clear that your client is able to produce readable files, so that this failure, or at least a refusal to mitigate it, is certainly not due to lack of ability.

Also, please tell me if you claimed any exemptions.

Thanks,

Adrian

On Wed, Aug 28, 2019, at 9:07 AM, Mark Abramson wrote:

The file is not corrupt. If it was, you could not read the 38. The large file size is due to the email attachments.

I will identify any exemptions when the review is complete within the next week.

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(C) (310) 245-8174
(F) (310) 321-7810
mark@markalaw.com

From: "adrian@123mail.org" <adrian@123mail.org>
Date: Tuesday, August 27, 2019 at 7:10 PM
To: Mark Abramson <mark@markalaw.com>
Subject: Re: CPRA -082219

Thank you, Mr. Abramson.

This file is corrupt and impossible to import. It's 407 MB and appears to contain thousands of emails, however only 38 of them are readable. I'm not sure why this is, but can you please find a way to transmit this data in a readable form. Your client clearly understands how to do this as she has done it many times before you got involved in the process. Also, you neglected to state if you were claiming any exemptions.

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[Open](#)

Google Drive: Have all your files within reach from any device.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

Error!
Filename
not
specified.

Subject: CPRA request (LHBCB.2018.05.21.a)
From: adrian@mailworks.org
Date: 05/21/2018 03:20 PM
To: Mark Abramson <mark@markalaw.com>
CC: Misty Iwatsu <mistyli@aol.com>

Good afternoon, Mr. Abramson.

I would like to see copies of the following material from 2018:

1. All emails between anyone, which means staff or members of the Board, at the Lincoln Heights BCDBID and anyone at the BID renewal consultant handling the BID's current renewal process.
2. All proposals, bids, inquiries, and similar records received by the BID from prospective BID consultants seeking to be hired for the BID's 2018 renewal process.
3. All contracts, MOUs, and so on, between the BID and any consultants and/or engineers relating to the BID's current renewal process.

I need to see these records, including both emails and their attachments, in their native formats as required by CPRA at section 6253.9(a). For emails this means EML, MBOX, or MSG. If you provide emails in one of these formats the attachments will automatically be included in native format as well.

Please note that although two emails held in different accounts may share the same body content they are in fact distinct records and must both be provided in response to this request. For this reason it is both necessary and sufficient to search all email accounts with which BID business is conducted for responsive records.

Thanks for your help,

Adrian

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(O) (310) 321-7657
(F) (310) 321-7810
mark@markalaw.com

May 31, 2018

Via E-Mail

Mr. Adrian Riskin
adrian@mailworks.org

Re: Lincoln Heights Benefit Association of Los Angeles
(LHBCB.2018.05.21.a)

Dear Mr. Riskin:

This office represents the Lincoln Heights Benefit Association of Los Angeles (the "Association"). This letter is in response to your email of May 21, 2018 (the "CPRA Request") seeking the following records under the California Public Records Act (the "Act"):

1. All emails between anyone, which means staff or members of the Board, at the Lincoln Heights BCDBID and anyone at the BID renewal consultant handling the BID's current renewal process.
2. All proposals, bids, inquiries, and similar records received by the BID from prospective BID consultants seeking to be hired for the BID's 2018 renewal process.
3. All contracts, MOUs, and so on, between the BID and any consultants and/or engineers relating to the BID's current renewal process.

Please accept this letter as the Association's response to your request.

The Act (California Government Code Section 6250 *et seq.*, permits the inspection and copying of certain public records. Section 6253 of the Act provides as follows:

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EXHIBIT O

Mr. Adrian Riskin

May 31, 2018

Page 2

the reasons therefore . . . When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available."

Consistent with its obligations under the Act, the Association advises that it may have documents responsive to your request, and is currently in the process of searching for and locating responsive documents. The Association must search and review multiple sources, which will take some time. In addition, the Association's legal counsel will review the documents prior to their release to determine if the requested documents are exempt from disclosure. The Association will produce any and all non-privileged documents as soon as it is reasonably available to do so, which we believe will be in 90 to 120 days.

Very truly yours,



Mark E. Abramson

cc: Misty Iwatsu

Subject: Re: Lincoln Heights - LHBCB.2018.05.21.a
From: adrian@mailworks.org
Date: 10/5/18, 3:27 PM
To: Mark Abramson <mark@markalaw.com>
CC: Misty Iwatsu <mistyli@aol.com>

Hi Mr. Abramson,

Can you tell me when this material will be ready? Given that before your involvement in the CPRA process of the BIDs administered by her Ms. Iwatsu characteristically produced large volumes of emails in just a few weeks but after you've essentially halted production and ignored your own deadlines, it's becoming quite plausible that you're violating the law by delaying and obstructing my access to these records. You've had this request in hand for more than four months and have made no discernible progress on it. Please let me know when, realistically, I may expect some production.

Thanks,

Adrian

On Thu, May 31, 2018, at 5:45 PM, Mark Abramson wrote:

Mr. Riskin:

Please see the attached.

As to the estimated time period for production (and in response to your previous email), please be advised that it is merely an estimate. As you know, when there is a request for emails, there are potentially multiple sources to pull from and there can be large amounts of data. There is also a necessary internal review process once the universe of emails is established. The more emails, the more time is required in the review process.

My client does not have staff devoted solely to public searches as some cities do, but is approaching these requests with diligence given its resources. Accordingly, your patience would be appreciated.

Mark E. Abramson
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(F) (310) 321-7810
mark@markalaw.com<<mailto:mark@markalaw.com>>

Email had 1 attachment:
+ Scanned from a Xerox Multifunction Printer.pdf
49k (application/pdf)

Subject: Re: Lincoln Heights - LHBCB.2018.05.21.a
From: Mark Abramson <mark@markalaw.com>
Date: 10/9/18, 2:18 PM
To: "adrian@mailworks.org" <adrian@mailworks.org>
CC: Misty Iwatsu <mistyli@aol.com>

I did not commit to any deadline, but merely stated that the documents would be produced as soon as reasonably available, which I believed at the time to be 90 to 120 days.

It has been a little over 120 days since I responded on behalf of the BID. The BID has engaged an IT consultant to assist it in light of the number of email accounts that are the subject of the searches and the technical requirements for production of the data, and has made substantial progress on the searches.

I have requested an update from the consultant. As soon as I have a better idea on where things stand, I will be able to come up with a target production date.

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mark@markalaw.com

On 10/5/18, 3:27 PM, "adrian@mailworks.org" <adrian@mailworks.org> wrote:

Hi Mr. Abramson,

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Thanks,

Adrian

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> Mr. Riskin:

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> Please see the attached.

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> previous email), please be advised that it is merely an estimate. As
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> My client does not have staff devoted solely to public searches as some
> cities do, but is approaching these requests with diligence given its
> resources. Accordingly, your patience would be appreciated.
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